

Serial No. 10/715,419

Docket No. IK-0070

Amdt. dated August 18, 2005

Reply to Office Action of May 18, 2005

Amendments to the Drawings:

The attached drawing includes changes to Fig. 1. This sheet, which includes Fig. 1, replaces the original sheet including Fig. 1. Figure 1 has been amended to include the legend "Related Art," consistent with the description of Figure 1 in the specification.

Attachments: Replacement Sheet (1)
Annotated Sheet Showing Changes (1)

Serial No. 10/715,419
Amdt. dated August 18, 2005
Reply to Office Action of May 18, 2005

Docket No. IK-0070

REMARKS/ARGUMENTS

Claims 1-32 are pending in this application. By this Amendment, the Abstract, drawings, and claims 1-9 are amended, and claims 10-32 are added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Examiner is thanked for the indication that claims 3-4 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, for the reasons set forth below, claims 3-4 have not been rewritten in independent form at this time.

The Office Action objects to Figure 1 due to lack of an appropriate legend. Figure 1 has been amended to include the legend "Related Art," consistent with the description of Figure 1 in the specification. Accordingly, the objection to Figure 1 should be withdrawn. The Office Action also objects to the drawings under 37 CFR 1.121(d), indicating that the transparent synthetic resin material recited in claim 6 must be shown in the drawings. It is respectfully submitted that the recitation of claim 6 would be well understood by one of ordinary skill in the art, especially when taken in light of the description provided in the specification and the drawings as shown. Accordingly, it is respectfully submitted that the drawings meet the requirements of 37 CFR 1.121(d), and thus the objection should be withdrawn.

The Office Action objects to the Abstract due to informalities. The Substitute Abstract filed herewith is responsive to the Examiner's comments, and thus the objection should be withdrawn.

The Office Action rejects claims 7-8 under 35 U.S.C. §112, second paragraph as allegedly indefinite. Claim 7 has been amended in response to the Examiner's comments, and thus the rejection of claims 7-8 under 35 U.S.C. §112, second paragraph should be withdrawn.

The Office Action rejects claims 1-2, 5, and 7-9 under 35 U.S.C. §102(b) over U.S. Patent No. 2,116,619 to Crosley Jr. et al. (hereinafter "Crosley"). The rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*, a plate with a first end configured to be rotatably coupled to the boss and a second end which is opposite the first end and is configured to rotate about the boss in a direction toward the inner surface of the door in response to an elastic force applied at the first end. Crosley neither discloses nor suggests such claimed features or the combination thereof.

Crosley discloses a refrigerator including a wire rack which can be used as a shelf when the refrigerator door is open. The rack extends from a recess 27 on the inner side of a door 15 of the refrigerator, and a bottom member 31 of the rack is rotatably coupled to hinge loops 34 attached in the recess 27, allowing the rack swing about the hinge loops 34. When in a first, fully closed position, the rack is rests against an inner surface of the recess 27 in a vertical position, and cannot be used to store and/or retain a storage item. A detent element 35 engages a U-bend

Serial No. 10/715,419
Amtd. dated August 18, 2005
Reply to Office Action of May 18, 2005

Docket No. IK-0070

32 portion of the bottom member 31 of the rack to maintain the vertical position of the rack in the fully closed position.

When the door 15 is open, the rack may be used as a shelf, or staging area. A force is applied to release the detent member's 35 hold on the U-bend 32, and the rack is held a fully open, horizontal position by chains 37 which have one end attached to the recess 27 and the other end attached to lateral extensions 36 which extend from the sides of the rack. The rack is moved into the recess to the fully closed position as a user physically rotates the rack and causes the detent member 35 to engage the U-bend 32 to hold the rack closed, and Crosley neither discloses nor suggests any type of elastic force which draws the rack back toward the recess 27. Thus, Crosley neither discloses nor suggests a plate which rotates toward the inner surface of the door in response to an elastic force, as recited in independent claim 1.

Accordingly, it is respectfully submitted that independent claim 1 is not anticipated by Crosley, and thus the rejection of independent claim 1 under 35 U.S.C. §102(b) over Crosley should be withdrawn. Rejected dependent claims 2, 5, and 7-9, as well as objected to claims 3-4, are allowable at least for the reasons set forth with respect to independent claim 1, from which they depend, as well as for their added features.

The Office Action rejects claim 6 under 35 U.S.C. §103(a) over Crosley. The rejection is respectfully traversed.

Dependent claim 6 is allowable over Crosley at least for the reasons set forth above with respect to independent claim 1, from which it depends, as well as for its added features. Thus, the rejection of claim 6 under 35 U.S.C. §103(a) over Crosley should be withdrawn.

New claims 10-32 are added to the application. It is respectfully submitted that new claims 10-32 define over the applied prior art and meet the requirements of 35 U.S.C. §112. More specifically, new dependent claims 10-16 are allowable at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features. Further, new independent claim 17.

. recites, *inter alia*, wherein a force applied at the first end of the plate causes the second end of the plate to be drawn toward the mounting surface. As set forth above, Crosley neither discloses nor suggests such features. Additionally, new independent claim 30 recites, *inter alia*, wherein a receiving space is formed between the plate and the surface, and wherein the receiving space is adjustable to have a plurality of positions between a fully open and a fully closed position of the plate based on an item to be stored in the receiving space. As set forth above, Crosley's apparatus is limited to merely a fully open and fully closed position, and Crosley neither discloses nor suggests a plurality of positions therebetween. Accordingly, it is respectfully submitted that new claims 1-30 are also in condition for allowance.

Serial No. 10/715,419
Amdt. dated August 18, 2005
Reply to Office Action of May 18, 2005

Docket No. IK-0070

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **JOANNA K. MASON**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



Daniel Y.J. Kim
Registration No. 36,186
Joanna K. Mason
Registration No. 56,408

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:JKM/cah:cre
Date: August 18, 2005

Please direct all correspondence to Customer Number 34610

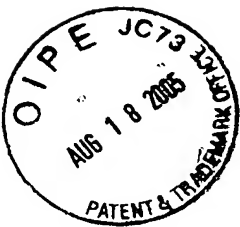


FIG. 1
RELATED ART

